



Nevada State Board of Medical Examiners

*** * * M I N U T E S * * ***

OPEN SESSION BOARD MEETING

Conference Room at the Offices of the
NEVADA STATE BOARD OF MEDICAL EXAMINERS
1105 Terminal Way, Suite 301
Reno, Nevada 89502

FRIDAY, NOVEMBER 30, 2001
and
SATURDAY, DECEMBER 1, 2001

FRIDAY, NOVEMBER 30, 2001

MEMBERS PRESENT:

Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Paul A. Stewart, M.D.
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.
Marlene J. Kirch
Sohail U. Anjum, M.D.
Stephen K. Montoya, M.D.

MEMBER ABSENT:

Joel N. Lubritz, M.D., Secretary-Treasurer

STAFF PRESENT:

Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Robert A. Frantz, Financial Manager

ALSO PRESENT:

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney
General
Michael J. Garcia, R.R.T., Practitioner of Respiratory Care
Advisory Committee Member
Carol R. Bowers, R.N., C.D., Executive Director, Nevada
Health Professionals Assistance Foundation

AGENDA ITEM 1

Call to Order and Announcements - Cheryl A. Hug-English, M.D., President

The meeting was called to order by Cheryl A. Hug-English, President, at 1:00 p.m.

AGENDA ITEM 5

Acceptance of Application for Limited (Residency) Licensure - **Appearance on Friday, November 30, 2001 at 1:00 p.m. or as soon thereafter as it may be heard**

Executive Session

Dr. Titus moved to go into Executive Session to discuss the character and professional competence of Kim Adamson, M.D., an applicant for limited licensure. The motion was seconded by Dr. Anjum, and it passed unanimously.

- Kim Adamson, M.D.

Upon returning to Open Session, discussion ensued, with the consensus being that Dr. Adamson's application for limited licensure be denied based on:

- 1) his disciplinary record with the board, resulting in the lack of confidence in his ability to safely care for patients in Nevada;
- 2) his distant and recent history of impairment, and the continual lack of conclusive evidence to indicate that he is in recovery; and
- 3) the overall lack of clear and convincing evidence to indicate that the board should accept his application.

Dr. Montoya moved to deny Kim Adamson, M.D.'s application for limited licensure to participate in a PGY-1 Psychiatry training program at the University of Nevada School of Medicine, due to the lack of clear and convincing evidence that Dr. Adamson has remedied the situation which resulted in the revocation of his license by the board in 1997. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 2

Approval of Minutes

- September 7 & 8, 2001 Board Meeting - Open/Executive Sessions
- October 24, 2001 Telephone Conference Call Board Meeting - Open Session
- November 2, 2001 Emergency Telephone Conference Call Board Meeting - Open Session

Dr. Baepler moved to accept the minutes of the September 7 & 8, 2001 Board Meeting - Open/Executive Sessions, with the amendment under Agenda Item 4 on page 8 of the Open Session changing "...grant continuing..." to "...waive continuing..."; the

October 24, 2001 Telephone Conference Call Board Meeting - Open Session; and the November 2, 2001 Emergency Telephone Conference Call Board Meeting - Open Session. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 3

Acceptance of Applications for Medical Licensure - Appearances on Friday, November 30, 2001 at 1:00 p.m. or as soon thereafter as they may be heard

Executive Session

Dr. Jones moved to go into Executive Session to discuss the character and professional competence of applicants for licensure. The motion was seconded by Dr. Anjum, and it passed unanimously.

3 (a) Brian Fox, M.D.

Upon returning to Open Session, Dr. Titus moved to accept Brian Fox, M.D.'s application for licensure. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 6

Acceptance of Applications for Practitioner of Respiratory Care Licensure - Appearances on Friday, November 30, 2001 at 1:00 p.m. or as soon thereafter as they may be heard

Executive Session

Dr. Titus moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

6 (g) Kevin Glover, C.R.T.

Upon returning to Open Session, Dr. Titus moved to accept Kevin Glover, C.R.T.'s application for licensure. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English advised Mr. Glover that the board based the acceptance of his application on the clear and convincing evidence of the positive change he has made in his life since 1989.

AGENDA ITEM 3 (CONTINUED)

Acceptance of Applications for Medical Licensure - Appearances on Friday, November 30, 2001 at 1:00 p.m. or as soon thereafter as they may be heard

Executive Session

Dr. Stewart moved to return to Executive Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

3 (b) Joseph Ruccione, M.D.

Upon returning to Open Session, Dr. Stewart moved to accept Joseph Ruccione, M.D.'s application for licensure. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 6 (CONTINUED)

Acceptance of Applications for Practitioner of Respiratory Care Licensure - Appearances on Friday, November 30, 2001 at 1:00 p.m. or as soon thereafter as they may be heard

Executive Session

Dr. Jones moved to return to Executive Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

6 (h) Loudii D. Lloyd, C.R.T.

Upon returning to Open Session, Dr. Baepler moved to accept Loudii D. Lloyd, C.R.T.'s application for licensure, contingent upon her signing a contract with the board's Diversion program, participating in the program, and the receipt from Ms. Bowers of periodic positive reports on Ms. Lloyd's participation in the program. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 3 (CONTINUED)

Acceptance of Applications for Medical Licensure - Appearances on Friday, November 30, 2001 at 1:00 p.m. or as soon thereafter as they may be heard

Executive Session

Dr. Baepler moved to return to Executive Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

3 (c) Saheb Sahu, M.D.

Upon returning to Open Session, Dr. Anjum moved to accept Saheb Sahu, M.D.'s training as meeting the requirements of NRS 630.160. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Stewart moved to accept Saheb Sahu, M.D.'s application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 6 (CONTINUED)

Acceptance of Applications for Practitioner of Respiratory Care Licensure -

Appearances on Friday, November 30, 2001 at 1:00 p.m. or as soon thereafter as they may be heard

Open Session

6 (i) Albert Mauri court, C.R.T.

Mrs. Kirch questioned Albert Mauri court, C.R.T., who appeared before the board to respond to questions concerning the disciplinary action taken by the Ohio licensing board against his Ohio license to practice respiratory care and why he answered "no" on his application for Nevada licensure to the question asking whether he had received disciplinary action against his license in another state. Mr. Mauri court explained the circumstances surrounding the disciplinary action taken against his Ohio license to practice respiratory care and his "no" answer to question number 21 on his application for Nevada licensure.

Dr. Titus moved to accept Albert Mauri court, C.R.T.'s application for licensure. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 23

Acceptance of Applications for Practitioner of Respiratory Care Licensure - Appearance on Friday, November 30, 2001 at 1:00 p.m. or as soon thereafter as they may be heard

Open Session

- Richard Von Schrlitz, R.R.T.

Ms. Bowers reported that Richard Von Schrlitz, R.R.T. signed a contract with the Diversion Program on October 30, 2001, and has been faithfully attending meetings and providing clean drug/alcohol screenings since that date.

Mrs. Kirch questioned Mr. Von Schriltz, who appeared before the board to respond to questions concerning his past criminal record. He explained the circumstances surrounding his criminal history.

Dr. Hug-English asked Mr. Von Schriltz if he would be willing to waive the 21 working day advance written notice requirement under Nevada's "Open Meeting Law" for a public body to hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person in Executive Session, and allow the board to go into Executive Session to discuss his character and professional competence. Mr. Von Schriltz agreed to waive the requirement.

Mrs. Kirch moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Dr. Jones, and it passed unanimously.

Upon returning to Open Session, Dr. Titus moved to accept Richard Von Schriltz, R.R.T.'s application for licensure. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 3 (CONTINUED)

Acceptance of Applications for Medical Licensure - Appearances on Friday, November 30, 2001 at 1:00 p.m. or as soon thereafter as they may be heard

Executive Session

Mrs. Kirch moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

3 (d) Adetola Talabi, M.D.

Upon returning to Open Session, Dr. Baepler moved to accept Adetola Talabi, M.D.'s application for licensure. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

3 (e) Quinton Thomas, M.D.

Upon returning to Open Session, Dr. Titus moved to accept Quinton Thomas, M.D.'s application for licensure. Dr. Baepler amended the motion to add that the acceptance of Dr. Thomas' application for licensure is contingent upon his signing a contract with the board's Diversion program and successfully complying with the terms of his Diversion Program contract, and seconded the motion as amended. The motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Executive Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

3 (f) Judson Wood, M.D.

Upon returning to Open Session, Dr. Stewart moved to accept Judson Wood, M.D.'s application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 23

Acceptance of Applications for Practitioner of Respiratory Care Licensure Subject to Applicants Entering into Contract with Diversion Program - **Non-Appearances**

(j) Don Day, R.R.T.

(m) Chad Kruger, C.R.T.

(k) John Foresee, C.R.T.

(n) Todd Thelin, R.R.T.

(l) Michael Koshorek, R.R.T.

Ms. Bowers reported that all applicants for licensure under this agenda item have signed contracts and are in compliance with the Diversion Program's requirements.

Dr. Baepler moved to accept the applications of the applicants for licensure under this agenda item. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 8

Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the September 7 & 8, 2001 Board Meeting

Dr. Baepler moved to ratify the licenses issued, and reinstatements of licensure and changes of licensure status approved since the September 7 & 8, 2001 board meeting. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 12

Consideration of Request of Thomas J. Brumfield, M.D., for Removal of Restrictions from His License No. 2051 to Practice Medicine in the State of Nevada (tabled from September 7 & 8, 2001 meeting)

Mr. Legarza reminded members that Dr. Brumfield had appeared at the board's September 7 & 8, 2001 meeting to answer questions concerning his request for removal of DEA restrictions from his license. He summarized the discussion from that meeting concerning this agenda item, which was ultimately tabled by the board until more information could be made available for consideration. Mr. Legarza advised that board staff recommends the denial of Dr. Brumfield's request.

Discussion ensued regarding the circumstances surrounding Dr. Brumfield's request.

Dr. Titus moved to deny Thomas J. Brumfield, M.D.'s request for removal of restrictions from his license. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 13

Consideration of Request by H. N. Sundar-Raj, M.D. for Release from Disciplinary Probation and Reinstatement to Full Unrestricted Medical Licensure, Case No. 00-5967-1

Dr. Baepler gave a brief background on the disciplinary action taken by the board against H. N. Sundar-Raj, M.D. in April, 2001, in which the board revoked his license, stayed the revocation and placed him on probation for a 5 year period. He stated that he feels that at this time there is no rationality behind Dr. Sundar-Raj's request. He added that he feels Dr. Sundar-Raj's request letter to the board (as it appears in the agenda book) to also be irrational.

Discussion ensued, with Dr. Titus moving to deny H. N. Sundar-Raj, M.D.'s request for release from his disciplinary probation. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 14

Personnel

- Consideration of Adding Additional Investigator to Staff
- **Executive Session** to Discuss Professional Competency of:
 - Angelia L. Brandes, Administrative Assistant
 - Carolyn H. Castleman, Receptionist
 - Misty C. Dew, License Specialist
 - Elizabeth J. Pawlikowski, License Specialist
 - Helena J. Teeples, Administrative Assistant
- **Open Session** to Consider Salary Adjustment for:
 - Angelia L. Brandes, Administrative Assistant
 - Carolyn H. Castleman, Receptionist
 - Misty C. Dew, License Specialist
 - Elizabeth J. Pawlikowski, License Specialist
 - Helena J. Teeples, Administrative Assistant
- **Executive Session** to Discuss Professional Competency of:
 - Angelia L. Brandes, Administrative Assistant
 - Carolyn H. Castleman, Receptionist
 - Misty C. Dew, License Specialist
 - Elizabeth J. Pawlikowski, License Specialist
 - Helena J. Teeples, Administrative Assistant

Dr. Baepler moved to go into Executive Session to discuss the professional competency of Angelia L. Brandes, Administrative Assistant; Carolyn H. Castleman, Receptionist; Misty C. Dew, License Specialist; Elizabeth J. Pawlikowski, License Specialist; and Helena J. Teeples, Administrative Assistant. Dr. Montoya seconded the motion, and it passed unanimously.

- **Open Session to Consider Salary Adjustment for:**
 - **Angelia L. Brandes, Administrative Assistant**
 - **Carolyn H. Castleman, Receptionist**
 - **Misty C. Dew, License Specialist**
 - **Elizabeth J. Pawlikowski, License Specialist**
 - **Helena J. Teeples, Administrative Assistant**

Upon returning to Open Session, Dr. Montoya moved to grant an annual salary increase of \$2,000.00 to Angelia L. Brandes, Administrative Assistant; Carolyn H. Castleman, Receptionist; Misty C. Dew, License Specialist; Elizabeth J. Pawlikowski, License Specialist; and Helena J. Teeples, Administrative Assistant, effective December 1, 2001. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Adding Additional Investigator to Staff

Mr. Lessly requested the board's authorization to add an additional field investigator to the board's staff.

Dr. Stewart moved to authorize Mr. Lessly to add an additional field investigator to the board's staff. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 15

Consideration of Request by the Nevada State Board of Nursing for Opinion on Telephone Triage

- Donald S. Rennie, R.N., M.S.N., Associate Executive Director for Licensure and Certification, Nevada State Board of Nursing

Mr. Lessly advised that the Nevada State Board of Nursing has requested to withdraw its request for the board's opinion on telephone triage.

AGENDA ITEM 17

Appearance by Representatives of the Clark County Medical Society to Discuss Clark County Medical Society/Board Relationship - Saturday, December 1, 2001 at 11:00 a.m. or as soon thereafter as they may be heard

- Raj R. Chanderraj, M.D., President, Clark County Medical Society

Mr. Lessly advised that the Clark County Medical Society has requested that its appearance before the board be delayed until such board meeting at which Dr. Lubritz will be present, as he requested this agenda item.

Dr. Stewart moved to grant the request of the Nevada State Board of Nursing to withdraw its request for a board opinion and the request of the Clark County Medical Society to delay its appearance before the board. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 20

Executive Director's Report - Larry D. Lessly, J.D., Executive Director

- Maureen E. Lyons, Deputy Executive Director
- Consideration of Requests for Member and Staff Attendance at Educational Meetings
- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for January 1 through March 31, 2002
- Approval of Revised *Organizational and Operational Charts, Personnel Policies, and Officer, Committee and Job Descriptions Manual*
- Status of Enhancements to Board's Web Site – www.state.nv.us/medical/ (Profiling)
- Consideration of Federation of State Medical Boards of the United States, Inc.'s:
 - Call for Candidate Nominations and Committee Appointment Recommendations for 2002 Annual Meeting of the House of Delegates
 - Call for Resolutions for 2002 Annual Meeting of the House of Delegates
- Consideration of Upgrade to Office Telephone System
- Setting of Date for Special Meeting to Complete Licensure Process for Practitioners of Respiratory Care Prior to January 1, 2002
- Informational Items

- Consideration of Requests for Member and Staff Attendance at Educational Meetings

Mr. Lessly advised that he will be traveling to Philadelphia, PA this Sunday to attend the United States Medical Licensing Examination's Committee on Irregular Behavior meeting on Monday.

Mr. Lessly asked for a show of hands by those board members wishing to attend the Federation of State Medical Boards of the United States, Inc.'s annual meeting to be held in San Diego in April. Dr. Hug-English, Dr. Jones, Dr. Baeppler, Dr. Titus and Mrs. Kirch indicated that they would like to attend the meeting.

- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for January 1 through March 31, 2002

Mr. Lessly referred members to the statistical reports from the Nevada Broadcaster's Association in the agenda book on the air time given the board's public service announcements during the last quarter. He reported that air time statistics seem to have improved since the board's September meeting.

Mr. Lessly advised that Dr. Montoya has offered and will do a Spanish-speaking public service announcement for the board. He added that this will be the board's first public service announcement in which a board member will participate. The board thanked Dr. Montoya for his time and effort.

Mrs. Kirch moved to continue the board's contract with Nevada Broadcaster's Association for the period January 1 through March 31, 2002, at a cost of \$5,000.00 per month. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Approval of Revised *Organizational and Operational Charts, Personnel Policies, and Officer, Committee and Job Descriptions Manual*

Mr. Lessly reviewed the proposed revisions to the board's *Organizational and Operational Charts, Personnel Policies, and Officer, Committee and Job Descriptions Manual* in the agenda book.

Dr. Jones moved to approve the revisions to the board's *Organizational and Operational Charts, Personnel Policies, and Officer, Committee and Job Descriptions Manual* as proposed. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Federation of State Medical Boards of the United States, Inc.'s:**
- Call for Candidate Nominations and Committee Appointment Recommendations for 2002 Annual Meeting of the House of Delegates**
 - Call for Resolutions for 2002 Annual Meeting of the House of Delegates**

There were no calls for candidate nominations and committee appointment recommendations or for resolutions for the 2002 Annual Meeting of the House of Delegates of the Federation of State Medical Boards of the United States, Inc.

- Consideration of Upgrade to Office Telephone System

Mr. Lessly proposed that the board consider upgrading the office telephone system to an automated answering system, including voice mail. He stated that the overwhelming number of telephone calls received at the office on a daily basis necessitates the installation of an automated answering system at this time. He advised that the purchase cost for the system is approximately \$3,500.00 and there is no additional monthly fee to maintain it.

Dr. Titus moved to authorize the purchase of the upgrade to the office telephone system as described. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Setting of Date for Special Meeting to Complete Licensure Process for Practitioners of Respiratory Care Prior to January 1, 2002

Mr. Lessly reported that as of today's date, 203 practitioners of respiratory care have been issued licenses and approximately 300 practitioners of respiratory care are in the system pending licensure. He advised that there are currently 13 practitioners of respiratory care requiring appearance before the full board for acceptance of their applications for licensure, with more such applicants expected within the next few weeks. Mr. Lessly requested that the board hold a special meeting for the practitioner of respiratory care full board appearances on December 27, 2001. Dr. Hug-English directed that such meeting be held at the board office.

- Status of Enhancements to Board's Web Site – www.state.nv.us/medical/ (Profiling)

Mrs. Lyons reported that in preparation for placing the board's licensure data on-line, the disciplinary action information is in the process of being "cleaned-up" for accuracy and consistency. She advised that the licensure data to be remotely stored for on-line use can be done so on the state's file server at a fee of approximately \$230.00 per month, versus the \$750.00 per month fee quoted by System Automation Corporation for remote storage on its file server.

RECESS

Dr. Hug-English recessed the meeting for dinner at 6:00 p.m. The meeting reconvened at 6:30 p.m.

AGENDA ITEM 4

Approval of Change of Medical Licensure Status from Inactive to Active - Appearance on Friday, November 30, 2001 at 1:00 p.m. or as soon thereafter as it may be heard

Executive Session

- Maiyoor Vidyasagar, M.D.

Maiyoor Vidyasagar, M.D. failed to appear. Dr. Stewart moved to table this agenda item until the March board meeting. Mrs. Kirch seconded the motion, and it passed unanimously with the Chair voting in favor of the motion.

AGENDA ITEM 18

Legal Reports - Richard J. Legarza, J.D., General Counsel

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General

- Board Ordered Terms, Conditions and Probation Status
- Board Litigation Status (*Alan J. Mishler, M.D. v. Robert C. Clift, M.D., et.al.*)
- **Board Litigation Status (*Alan J. Mishler, M.D. v. Robert C. Clift, M.D., et. al.*)**

Mrs. Bible advised that:

- 1) ... the appeal of the Petition for Judicial Review filed by David B. Cohen, M.D. in his appeal of the board's disciplinary action taken against him was remanded back from the Nevada Supreme Court and the District Court has remanded the case back to the board for re-hearing;
- 2) ... an outstanding Petition for Judicial Review is pending in Phillip M. Milgram, M.D.'s appeal of the board's disciplinary action taken against him. She advised that, on behalf of the board, she filed a Motion to Dismiss, as Dr. Milgram's attorney never filed any Points and Authorities in the matter; and
- 3) ... all counts, except the claims of delays between the board and the Ohio medical licensing board, have been dismissed in the *Alan J. Mishler, M.D. v. Robert C. Clift, M.D., et. al.* civil rights case against the board. She added that she expects a Summary Judgment to be filed by Dr. Mishler.

Mr. Legarza advised that:

- 1) ... on behalf of the board, he had filed a Motion to Dismiss the Petition for Judicial Review filed by William O. Murray, M.D. and the case is now under submission in District Court;
- 2) ... in the matter of the appeals of the board's disciplinary actions taken against Pano Concha, M.D. and Jeffrey Stein, M.D., respectively, the cases are under submission in District Court; and
- 3) ... a Petition for Judicial Review has been filed by John Z. McFarland, M.D. in the matter of his appeal of the board's disciplinary action taken against him.

- Board Ordered Terms, Conditions and Probation Status

Mr. Legarza reported that all licensees currently on disciplinary probation with the board are in compliance, except possibly Elliott D. Schmerler, M.D. He reminded members that at the board's September meeting, the board approved a Stipulation for Settlement in which it ordered that Dr. Schmerler not perform any liposuction procedures. He advised that an advertisement in the new Las Vegas telephone directory indicates that Dr. Schmerler performs such procedures. He added that the matter is under investigation by board staff.

AGENDA ITEM 19

Reports

- Diversion Program: *Annual Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Committee Representative
- Practitioner of Respiratory Care Advisory Committee - Committee Representative
- Committee to Study Post-Licensure Continuing Competency Evaluation - Donald H. Baepler, Ph.D., D.Sc., Chairperson
- Investigative Committee - Joel N. Lubritz, M.D., Chairperson
- Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer
- Educational Meetings: Citizen Advocacy Center 2001 Annual Meeting - Marlene J. Kirch

- Physician Assistant Advisory Committee - Committee Representative

There was no report under this agenda item.

- Practitioner of Respiratory Care Advisory Committee - Committee Representative

Mr. Garcia reported that the committee has been in contact with the employers of practitioners of respiratory care in Nevada, prodding them to make sure that their employees are pursuing licensure with the board in a timely manner.

- Committee to Study Post-Licensure Continuing Competency Evaluation - Donald H. Baepler, Ph.D., D.Sc., Chairperson

Dr. Baepler gave a brief history of the committee's activities to date and advised that this subject will be a major topic of discussion at the Federation of State Medical Boards of the United States, Inc.'s annual meeting in San Diego in April.

Discussion ensued, with Dr. Hug-English directing that this matter be tabled until after the Federation's meeting in April.

- Investigative Committee - Joel N. Lubritz, M.D., Chairperson

Dr. Baeppler advised that he acted as Chairperson at the committee's meeting yesterday, in Dr. Lubritz's place and Dr. Jones was Dr. Lubritz's substitute committee member. He reported that at its meeting, the committee filed 5 formal complaints. He distributed the cases recommended for closure by the Investigative Committee for members' review and consideration for closure.

Dr. Stewart moved to close the cases recommended for closure by the Investigative Committee. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer

Mr. Frantz distributed the board's *Profit & Loss Budget vs. Actual for July 2001 through June 2002* and *Balance Sheet as of November 30, 2001*, and reviewed them for the board. He reported that interest rates are extremely low; however, the board's financial status is good.

Dr. Stewart pointed out that the board's goal is to have at least two years of operating expenses invested to meet the board's requirements for an adequate reserve for possible legal actions and to bring in investment income sufficient to offset future requirements to increase registration fees. The board concurred with his points.

- Educational Meetings: Citizen Advocacy Center 2001 Annual Meeting - Marlene J. Kirch

Mrs. Kirch reported that the major topic of discussion at this year's Citizen Advocacy Center meeting was post licensure competency and advised that at the meeting, a representative from the Federation of State Medical Boards of the United States, Inc. reported that the medical licensure board in Nevada is currently studying this issue. She stated that other topics included: 1) whether or not licensure boards should have jurisdiction over workplace standards; 2) scope of practice issues; and 3) how licensure boards can improve their licensing systems. She added that she discovered that most licensure boards have only one public member and the current recommendation is for one third of the members to be public as is the case in Nevada. She thanked the board for the opportunity to attend the meeting.

RECESS

Dr. Hug-English recessed the meeting for the evening at 7:25 p.m.

SATURDAY, DECEMBER 1, 2001

MEMBERS PRESENT: Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Sohail U. Anjum, M.D.
Marlene J. Kirch
Stephen K. Montoya, M.D.

MEMBERS ABSENT: Joel N. Lubritz, M.D., Secretary-Treasurer
Paul A. Stewart, M.D. *
Robin L. Titus, M.D. *
Donald H. Baepler, Ph.D., D.Sc. *

* As a member of the Investigative Committee which brought the Complaints to be adjudicated, did not participate in this part of the meeting.

STAFF PRESENT: Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Robert A. Frantz, Financial Manager
Helena J. Teeples, Administrative Assistant
Carolyn H. Castleman, Credentialing Specialist

Dr. Hug-English reconvened the meeting at 8:30 a.m.

AGENDA ITEM 15

Consideration of Request by the Nevada State Attorney General for Requiring Domestic Violence Continuing Education for Board Licensees

Eryn Branch, representing the Nevada Network Against Domestic Violence (NNADV), appeared on behalf of the NNADV and advised that the NNADV is not requesting that the board take action regarding the matter of domestic violence education. She stated that the NNADV is seeking input from the board on ways by which the NNADV can make domestic violence more of a priority concern in Nevada.

Dr. Hug-English stated that the letter received by the board from the Attorney General's Office specifically requests the board's consideration of requiring domestic violence continuing education for board licensees and asked for members' input regarding this matter.

Discussion ensued, with the consensus being that domestic violence education fits under the board's existing requirement for continuing medical education in ethics and adding a requirement for continuing medical education in the specific field of domestic violence would not accomplish the goals of the NNADV.

Dr. Hug-English directed Mr. Lessly to draft a response letter to the Attorney General's Office indicating that there is no willingness on the part of the board to incorporate domestic violence education into its requirements for continuing medical education.

AGENDA ITEM 9

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. George S. Lakner, M.D., Case No. 01-12221-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Jacqueline C. Jones, Ed.D., Vice President; Joel N. Lubritz, M.D., Secretary-Treasurer; Sohail U. Anjum, M.D.; Marlene J. Kirch; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. George S. Lakner, M.D., Case No. 01-4155-1, except Joel N. Lubritz, M.D. who was absent from the meeting.

Mrs. Kirch moved to go into Executive Session to deliberate on count one of the Complaint. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Jones moved to find George S. Lakner, M.D. guilty of count one of the Complaint, a violation of NRS 630.304(1), answering "no" to question no. 11 of his application for renewal of his medical license in Nevada, when he knew that his application for licensure to practice medicine in California had been denied per section 480(a)(2) & (3), and section 582 of the California Business and Professions Code. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to go into Executive Session to deliberate on count two of the Complaint. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Montoya moved to find George S. Lakner, M.D. guilty of count two of the Complaint, a violation of NRS 630.306(2)(b), engaging in an act of conduct intended to deceive. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to go into Executive Session to deliberate on the possible sanctions which would be appropriate in this matter. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Mrs. Kirch moved to revoke the license to practice medicine in the state of Nevada of George S. Lakner, M.D. and to order that he pay all costs associated with the investigation and prosecution of the case against him. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 10

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Christopher J. Rasmussen, M.D., Case No. 01-7330-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Jaculine C. Jones, Ed.D., Vice President; Joel N. Lubritz, M.D., Secretary-Treasurer; Sohail U. Anjum, M.D.; Marlene J. Kirch; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. Christopher J. Rasmussen, M.D., Case No. 01-7330-1, except Joel N. Lubritz, M.D. who was absent from the meeting.

Dr. Montoya moved to go into Executive Session to deliberate on the four counts of the Complaint. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Montoya moved to find Christopher J. Rasmussen, M.D. guilty of count one of the Complaint, a violation of NRS 630.301(3), having his medical license in the state of Wisconsin suspended for a period of not less than 5 years by the State of Wisconsin Medical Examining Board. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to find Christopher J. Rasmussen, M.D. guilty of count two of the Complaint, a violation of NRS 630.306(11), failure to report within 30 days the suspension of his license to practice medicine in the state of Wisconsin. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to find Christopher J. Rasmussen, M.D. guilty of count three of the Complaint, a violation of NRS 630.301(3), having his medical license in the state of California revoked, the revocation stayed, and being placed on probation for 5 years by the Medical Board of California. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to find Christopher J. Rasmussen, M.D. guilty of count four of the Complaint, a violation of NRS 630.306(11), failure to report within 30 days the disciplinary action taken against his license to practice medicine in the state of California. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to go into Executive Session to deliberate on the possible sanctions which would be appropriate in this matter. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Jones moved to revoke the license to practice medicine in the state of Nevada of Christopher J. Rasmussen, M.D. and to order that he pay all costs associated with the investigation and prosecution of the case against him. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 9

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Artwen A. Wascher, M.D., Case No. 01-3233-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Jacqueline C. Jones, Ed.D., Vice President; Joel N. Lubritz, M.D., Secretary-Treasurer; Sohail U. Anjum, M.D.; Marlene J. Kirch; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. Artwen A. Wascher, M.D., Case No. 01-3233-1, except Joel N. Lubritz, M.D. who was absent from the meeting.

Mrs. Kirch moved to go into Executive Session to deliberate on the 42 counts of the Complaint, involving 21 patients. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Jones moved to find Artwen A. Wascher, M.D. not guilty of counts 13 and 14 of the Complaint, a violation of NRS 630.301(4), prescribing controlled substances in such a manner as to constitute malpractice and a violation of NRS 630.306(7), continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field, respectively. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to find Artwen A. Wascher, M.D. guilty of counts 1 through 12 and 15 through 42 of the Complaint, 20 violations of NRS 630.301(4), prescribing controlled substances in such a manner as to constitute malpractice and 20 violations of NRS 630.306(7), continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field, respectively. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to go into Executive Session to deliberate on the possible sanctions which would be appropriate in this matter. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Mrs. Kirch moved to revoke the license to practice medicine in the state of Nevada of Artwen A. Wascher, M.D. and to order that he pay all costs associated with the investigation and prosecution of the case against him. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 22 Public Comment

Larry Matheis, Executive Director of the Nevada State Medical Association, appeared and thanked the board for the article in the board's October newsletter clarifying the board's pain regulations. He added that he feels that the clarification with resolve all misunderstandings regarding the regulations.

AGENDA ITEM 19 (CONTINUED) Reports

- Diversion Program: *Annual Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Committee Representative
- Practitioner of Respiratory Care Advisory Committee - Committee Representative
- Committee to Study Post-Licensure Continuing Competency Evaluation - Donald H. Baepler, Ph.D., D.Sc., Chairperson
- Investigative Committee - Joel N. Lubritz, M.D., Chairperson
- Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer
- Educational Meetings: Citizen Advocacy Center 2001 Annual Meeting - Marlene J. Kirch

- Diversion Program: *Annual Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation

Ms. Bowers reviewed for members the previously distributed Diversion Program Statistics annual report as of December 1, 2001. She reported that there are currently 72 program participants, including 56 M.D.s, and the foundation's finances are holding steady, with additional funding from Nevada hospitals a hopeful possibility.

Ms. Bowers advised that:

- 1) ... there are regular group meetings being held in both northern and southern Nevada with seven physicians in each location working the groups;
- 2) ... there has been a new group started for the practitioners of respiratory care and they are appreciative of the program
- 3) ... Rex T. Baggett, M.D., former board member, was appointed a few months ago and Arne D. Rosencrantz, former board member, was just recently appointed to the Board of Directors of the Nevada Health Professionals Assistance Foundation;
- 4) ... F. Victor Rueckl, M.D. is currently the foundation's Medical Director at a salary of \$1,000.00 per month;
- 5) ... she has met with 56 practitioners of respiratory care during the past two months for a total of over 100 practitioners of respiratory care seen this year;
- 6) ... six relapses occurred among the program participants following the September 11, 2001 disaster; and
- 7) ... she recently visited the Betty Ford Recovery Center, was impressed by the facility, and may consider using it in the future, along with Talbott Recovery Center, which, she feels, is still the best in its field.

AGENDA ITEM 25
Matters for Future Agenda

There was no discussion under this agenda item.

ADJOURNMENT

Dr. Hug-English adjourned the meeting at 10:45 a.m.